

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Parida, et al.

Serial No.: 10/627,871

Group Art Unit: 2819

Filed: July 28, 2003

Examiner: Linh V. Nguyen

For: APPARATUS, SYSTEM AND METHOD FOR DATA  
COMPRESSION USING IRREDUNDANT PATTERNS

Commissioner for Patents  
Alexandria, Virginia 22313-1450

**DECLARATION OF MARY C. GIBB**

Sir:

I, Mary C. Gibb, hereby declare as follows:

1. I am Manager of the Docketing Department of the law firm of McGinn Intellectual Property Law Group, PLLC.
2. My duties as Manager of the Docketing Department require me to be intimately familiar with how the firm handles the mail, facsimile, and courier packages which arrive at McGinn Intellectual Property Law Group, PLLC.
3. Each business day (Monday-Friday), McGinn Intellectual Property Law Group, PLLC, receives a large volume of correspondence from the U.S. Patent and Trademark Office (PTO). That correspondence relates to patent and trademark applications

being handled by McGinn Intellectual Property Law Group, PLLC, and includes Office Actions. Generally, since McGinn Intellectual Property Law Group, PLLC, is located in Vienna, Virginia, PTO correspondence is received by the law firm within one or two business days after the PTO mailing date, although sometimes it takes longer. All mail is received in the Docketing Department, including PTO correspondence. The PTO correspondence is handled as follows.

4. An individual employed in the Docketing Department of McGinn Intellectual Property Law Group, PLLC, receives all pieces of PTO correspondence before they are opened. That same individual opens each piece of correspondence from the PTO one at a time.

5. As the PTO correspondence is opened, an entry is made by that same individual by hand, in a docket book, for each such piece of correspondence requiring a response to be provided to the PTO by a certain due date. For example, an Office Action must be answered within the response time specified therein (within one, two, or three months of the mailing date), and so an entry would be made in the docket book on a due date for the required period of time for the Office Action and also six months after the mailing date of the Office Action (the non-extendable date). Attached as Exhibit 1 to my Declaration are copies of the pages of the docket book for items having a due date of July 25, 2007 and October 25, 2007 ( three months and six months from the alleged mailing date of the Office Action). As can be seen from Exhibit 1, there is no entry for the above-identified application,

indicating that the Office Action in question was never received by McGinn Intellectual Property Law Group, PLLC.

6. Once the PTO Office Action received on a given date has been manually entered in the docket book as just described, the appropriate file for the PTO Office Action is pulled and matched up to that Office Action. The appropriate file and the PTO Office Action is then given to the secretary to the attorney responsible for handling the file. The secretary then enters the PTO Office Action and the response due date in the secretary's docket book and on the front cover of the application's file jacket.

7. On a weekly basis, a docket of cases due that week and the pertinent due dates for response for each case is given to each person at McGinn Intellectual Property Law Group, PLLC. This docket is double-checked with the docket maintained by the secretary. I have reviewed this list, and it does not include an entry for the above-identified application. Attached as Exhibit 2 to my Declaration is a copy of the list of cases submitted (due) for the weeks of July 24, 2007 and October 23, 2007. As can be seen from Exhibit 2, there is no entry relating to a PTO mailing of an Office Action in connection with the above-identified application.

8. In addition to manually entering entries in the docket book as just described, the same information is entered in our computer docketing program. Attached as Exhibit 3 to my Declaration is a copy of the report from the computerized docketing program for the above-identified application. As can be seen from Exhibit 3, there is no entry indicating that the

Office Action in question was never received by McGinn Intellectual Property Law Group, PLLC.

9. Further, I attach Exhibit 4, which is a copy of the front cover of the subject application's file jacket. It should be noted that the file jacket front cover shows the chronological sequence of correspondence between the law firm and the U.S. Patent and Trademark Office. The left side of the front cover is filled in by the Attorney's secretary as Actions are received and docketed by them. The right side is filled in by the Attorney's secretary as the Actions are completed. As shown, there is no evidence showing an Office Action was ever received.

10. Based on my review of Exhibits 1-4, and on my personal knowledge of the procedures followed by McGinn Intellectual Property Law Group, PLLC, in the Docketing Department for handling PTO Office Actions, I conclude that no Office Action was received by McGinn Intellectual Property Law Group, PLLC, for the above-identified application.

11. The Notice of Abandonment which was received by McGinn Intellectual Property Law Group, PLLC, on November 7, 2007, is the most recent communication from the PTO for the above-identified application. This Notice of Abandonment is addressed to our current address at 8321 Old Courthouse Road, Suite 200, Vienna, Virginia 22182-3817.

Further Declarant saith not.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that

Docket No. YOR920030198US1  
Application Serial No. 10/627,871  
YOR.466

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these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/27/07

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 48150

Mary C. Gibb  
Mary C. Gibb  
Manager, Docketing Department

<del>CAS.001</del>	<del>5/18</del>	<del>Resp. (L. Day)</del>	<del>SMT</del>
<del>IEL.056</del>	<del>3/20</del>	<del>Resp. (L. Day)</del>	<del>FEC SMT</del>
<del>VAT.121</del>	<del>new</del>	<del>Resp. (L. Day)</del>	<del>SMT</del>
<del>NGB.121</del>	<del>on</del>	<del>Resp. (L. Day)</del>	<del>SMT</del>
<del>EBI.051</del>	<del>4/25</del>	<del>Resp. (L. Day)</del>	<del>SMT SMT</del>
<del>ANA.025</del>	<del>DIV</del>	<del>aband. Final (L. Day)</del>	<del>SMT</del>
<del>Fuj.059</del>	<del>4/25</del>	<del>Resp. (L. Day)</del>	<del>PEM SMT</del>
<del>NGB.067</del>	<del>4/24</del>	<del>Resp. (L. Day)</del>	<del>SMT</del>
<del>YAN.042</del>	<del>2/22</del>	<del>Resp. (L. Day)</del>	<del>SMT</del>
<del>YOR.678</del>	<del>3/26</del>	<del>NCAP / Nomp (L. Day)</del>	<del>FEC</del>
<del>HIR.083</del>	<del>2/21</del>	<del>Resp. (L. Day)</del>	<del>FEC</del>
<del>NGB.108</del>	<del>3/21</del>	<del>Nomp (L. Day)</del>	<del>SMT</del>
<del>NGB.106</del>	<del>3/21</del>	<del>Nomp (L. Day)</del>	<del>SMT</del>
<del>Suz.029</del>	<del>4/20</del>	<del>Resp. (L. Day)</del>	<del>WF</del>
<del>HIR.167</del>	<del>7/25</del>	<del>Response</del>	<del>PEM</del>
<del>NGB.039</del>	<del>CONT.</del>	<del>Allowed Final (3 mo.) amend. 7/25</del>	<del>FEC</del>
<del>NGB.311</del>	<del>8/3</del>	<del>Issue Fee</del>	<del>JFH</del>
<del>GOT.080</del>	<del>ext.</del>	<del>Final (2 mo.) allowed</del>	<del>FEC</del>
<del>IEL.056</del>		<del>Final (2 mo.) amend. 7/25</del>	<del>FEC</del>
<del>WAR.216</del>	<del>7/24</del>	<del>Nomp</del>	<del>SMT</del>
<del>Suz.028</del>	<del>7/25</del>	<del>Appeal Brief</del>	<del>PNCG</del>
<del>YOR.335</del>	<del>DIV 1</del>	<del>7/25</del>	<del>Response</del>
<del>Fuj.090</del>	<del>7/25</del>	<del>IDS</del>	<del>SMT SMT</del>
<del>KUM.005</del>	<del>7/5</del>	<del>Interview Summary</del>	<del>SMT</del>
<del>YOR.465</del>	<del>7/25</del>	<del>Interview Summary</del>	<del>FEC</del>

Exhibit 1  
(page 1 of 2)

<del>HTR.167</del> 7/25	<del>Resp. (L. Day)</del>	<del>PEM</del>
<del>NGB.039</del> CONT.	<del>Final (L. Day) allowed</del>	<del>FEC</del>
<del>GOT.086</del> allowed	<del>final (5 mo.)</del>	<del>FEC</del>
<del>IEI.056</del> ext.	<del>final (5 mo.)</del>	<del>FEC</del>
<del>YOR.335</del> DIV1 7/25	<del>Resp. (L. Day)</del>	<del>SMM</del>
<del>HTR.124</del> RCE	<del>FINAL (4 Mo.)</del>	<del>DJL</del>
<del>ONO.031</del> 10/24	<del>L. fee (L. Day)</del>	<del>SKT</del>
<del>SOE.001</del> ext.	<del>Response</del>	<del>SKT</del>
<del>Fujit.085</del> 10/25	<del>Response</del>	<del>SKT</del>
<del>WAR.125</del> 9/25	<del>Response</del>	<del>SKT</del>
<del>HTR.140</del> 10/25	<del>Response</del>	<del>SKT</del>
<del>YOR.489</del> (error)	<del>L. fee (L. Day) 10/25</del>	<del>FEC</del>
<del>KUD.089</del> 10/24	<del>L. fee (L. Day)</del>	<del>PEM</del>
<del>UNI.040</del> 10/24	<del>Response</del>	<del>SKT</del>
<del>WAR.101</del> 11/7	<del>Issue Fee</del>	<del>PMCG</del>
<del>Fujit.097</del> ext. to 11/2	<del>H/S</del>	<del>SKT</del>
<del>NGB.087</del> CONT. error	<del>H/S</del>	<del>SKT</del>
<del>Fuo.071</del> 10/24	<del>Response (1 mo.)</del>	<del>SKT</del>
<del>Fujit.076</del> 10/24	<del>Response (1 mo.)</del>	<del>SKT</del>
<del>Fujit.075</del> 10/25	<del>H/S</del>	<del>SKT</del>
<del>IAK.042</del> DIV 10/5	<del>Response (1x)</del>	<del>PEM</del>
<del>NEC.340</del> ext.	<del>Response (1x)</del>	<del>DJL</del>
<del>YOR.498</del> DIV 10/24	<del>L. fee (L. Day)</del>	<del>SKT</del>

# DOCKET

July 24, 2007 - July 30, 2007

Please compare this with your personal docket and inform us of any changes or additions!

<u>DUE DATE</u>	<u>FILE</u>	<u>ACTION</u>	<u>ATTY</u>
Tuesday, 7/24/07	KAT.037	FINAL ( L. Day )amend. 6/12	DJL
	MAR.067	FINAL ( L. Day )amend. 6/25	DJL
	KUD.101	Issue Fee	DJL
	NGB.572	Response	JWF
	KUD.098	Issue Fee	JWF
	NEC.276 DIV	FINAL ( 3 mo. )amend. 6/29	PEM
	JTL.011	Response	SMT
	YOR.228 DIV	FINAL ( 3 mo. )amend. 6/25	SMT
	NGB.506	I. Fee ( L. Day )	SMT
	RYU.002	Issue Fee	SMT
	HIR.099	Response	PmcG
	KOH.002	TM Response ( 3 mo. )	SMM
	KOH.003	TM Response ( 3 mo. )	SMM
	KUD.185	IDS	SMM
	KATO.041	Issue Fee	DAD
	YOR.673	IDS	JEH

Issue Date:

7,248,870 FUK.011 DIV SMM 7,248,543 EBI.011 SMM 7,248,254 FUJ.059 PmcG  
7,247,884 NGB.150 SMT 7,249,366 YOR.053 DIV PEM 7,248,078 IEI.053 SMM

Wednesday, 7/25/07	NGB.126	Resp. ( L. Day )	SMT
	YOR.335 DIV1	Response	SMT
	HIR.167	Response	PEM
	NGB.039	FINAL ( 3 mo. )amend. 6/25	FEC
	GOT.080	FINAL ( 2 mo. )	FEC
	IEI.056	FINAL ( 2 mo. )	FEC
	YOR.465	Interview Summary	FEC
	NGB.311	Issue Fee	JEH
	WAK.216	NOMP	SMM
	FUJI.090	IDS	SMM
	SUZ.028	Appeal Brief	PmcG
	KUM.005	Interview Summary	DJL

Thursday, 7/26/07	NIS.056 DIV	FINAL ( 5 mo. )	FEC
	YOR.292	Non-Compliant Appeal Brief	FEC
	NGB.329	Response	SMT
	YOR.484 DIV	Response ( 1 mo. )	SMT

Exhibit 2  
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Friday, 7/27/07	NGB.306	FINAL ( 5 mo. )	JEH
	ORI.055	Maintenance Fee ( L. Day )	SMM
	ORI.034	Maintenance Fee ( L. Day )	SMM
	IEI.036	I. Fee ( L. Day )	SMM
	NGB.707	Issue Fee	SMM
	NGB.723	Issue Fee	SMM
	NGB.722	Issue Fee	SMM
	LEN.025	Draft TM App.	SMM
	EDU.006	TM Office Action ( 4 mo. )	SMM
	SHIM.018	Response	JEH
	NGB.365	FINAL ( 3 mo. )	JWF
	NGB.039 CONT.	FINAL ( 3 mo. )	FEC
	IEI.085	Issue Fee	FEC
	MAS.006	Issue Fee	FEC
	KAT.036	Notice of Abandonment	PEM
	YOR.418	IDS	PEM
	Saturday, 7/28/07	NCF.001	Renewal ( 1 yr. date )
EDU.003		TM Office Action ( 4 mo. )	SMM
FUJ.076		Response ( 1 x )	DAD
Sunday, 7/29/07	YOR.430 DIV	FINAL ( L. Day )	SMT
	KATOR.004	FINAL ( 2 mo. )	SMT
	YOR.676	NCAP	SMT
	USH.028	FINAL ( 4 mo. )amend. 6/27	PEM
	FUJL.028	Examiners Answer	FEC
	WAK.219 REI	NOMP	FEC
	KATO.069	FINAL ( 2 mo. )	FEC
	YOR.489	Response ( 1 x )	FEC
	FUJIT.094	IDS	SMM
NGB.444	Response ( 1 x )	JWF	
Monday, 7/30/07	AIR.001	National Stage Entry	SMT
	USH.027	FINAL ( 2 mo. )	SMT
	KATO.108	FINAL ( 2 mo. )	SMT
	PRI.004	FINAL ( 2 mo. )	SMT
	NGB.088 CONT. 2	Resp. ( L. Day )	SMT
	NEC.309	Response	DAD
	NEC.295	Response	SMM
	ORI.061	Response	SMM
	MATSUB.004	Issue Fee/Corrected Drwgs	SMM
	WAK.218	IDS	SMM
	HIBI.046	NCAP	SMM
	NGB.767	Preliminary Amendment	SMM
	YOR.526	FINAL ( 3 mo. )amend. 7/2	PEM
	TAKAH.003	FINAL ( 2 mo. )	PEM
	IEI.072	Response ( 1 x )	FEC
	IEI.073	Response ( 1 x )	FEC

Exhibit 2  
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# DOCKET

**October 23, 2007 - October 29, 2007**

**Please compare this with your personal docket and inform us of any changes or additions!**

<b><u>DUE DATE</u></b>	<b><u>FILE</u></b>	<b><u>ACTION</u></b>	<b><u>ATTY</u></b>
Tuesday, 10/23/07	FUS.055	I. Fee ( L. Day )	DJL
	IEI.013	I. Fee ( L. Day )	DJL
	FUS.070	FINAL ( 2 mo. )	DJL
	KAJ.001	I. Fee ( L. Day )	PEM
	YOR.547	Issue Fee	PEM
	NGB.412	Response ( 2 x )	PEM
	KATO.098	FINAL ( 3 mo. )amend. 10/5	FEC
	YOR.719	FINAL ( 2 mo. )	FEC

**Issue Date:**

7,286,856 YAN.039 DAD D553,376 NGB.707 SMM D553,377 NGB.723 SMM  
7,286,390 KUD.130 FEC 7,286,167 NGB.320 SMM 7,284,969 NGB.307 JEH  
7,285,906 EBI.019 SMM 7,284,927 ORI.102 JWF 7,285,803 HIR.109 JWF  
7,286,669 AMA.048 PmcG D553,767 MATSUB.004 SMM D553,650 IWA.054 SMM  
7,286,475 YAN.035 DAD

Wednesday, 10/24/07	KOH.002	TM Resp. ( L. Day )	SMM
	KOH.003	TM Resp. ( L. Day )	SMM
	HIR.231	I. Fee ( L. Day )	SMM
	KATO.143	I. Fee ( L. Day )	SMM
	NGB.591	Issue Fee	SMM
	HIR.209	IDS	SMM
	KATO.066	IDS	SMM
	NEC.363	FINAL ( 2 mo. )	SMM
	FUS.095	IDS	SMM
	NGB.777	NOMP ( 1 x )	SMM
	IEI.083	Response	FEC
	NGB.536	Response	FEC
	YOR.543	Response ( 1 mo. )	FEC
	NGB.286	FINAL ( 3 mo. )	SMT
	NGB.088 CONT.2	IDS	SMT
	NGB.088 CONT.3	IDS	SMT
	YOR.425 CONT.	FINAL ( 2 mo. )	SMT
	IEI.022	FINAL ( 2 mo. )	PmcG
	WAK.111	FINAL ( 2 mo. )	DAD

Exhibit 2  
( page 3 of 5 )

Thursday, 10/25/07

IEI.056	FINAL ( 5 mo. )	FEC
YOR.489	I. Fee ( L. Day )	FEC
HIR.124	FINAL ( 4 mo. )amend. 9/5	DJL
NEC.340	Response ( 1 x )	DJL
ONO.031	I. Fee ( L. Day )	SMT
FUJIT.075	IDS	SMT
YOR.498 DIV	I. Fee ( L. Day )	SMT
SOE.001	Response	JL
FUJIT.085	Response	SMM
HIR.140	Response	SMM
FUJIT.097	IDS	SMM
FUS.071	Response ( 1 mo. )	SMM
FUJIT.076	Response ( 1 mo. )	SMM
KUD.089	I. Fee ( L. Day )	PEM
UNI.040	Response	PEM
WAK.101	Issue Fee	PmcG

Friday, 10/26/107

MAR.094	Response	SMT
FUS.081	Response	SMT
YOR.228 DIV	Response	SMT
USH.015	Response	SMT
USH.004 DIV	I. Fee ( L. Day )	FEC
KAT.041	FINAL ( 3 mo. )amend. 10/5	FEC
KATO.140	Response	FEC
YAS.040	FINAL ( 3 mo. )	FEC
BUR096	I. Fee ( L. Day )	FEC
KATO.063	Issue Fee	FEC
HIR.120	Response	PEM
KATO.079	Response	PEM
COS.001	Response	PEM
WAK.134	Issue Fee	PEM
NGB.305	Response	JL
MAR.066	I. Fee ( L. Day )	DJL
FUJ.065	FINAL ( 3 mo. )	DJL
IEI. 036	I. Fee ( L. Day )	SMM
HIR.155	Response	SMM
IEI.096	Issue Fee	SMM

Exhibit Z  
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Saturday, 10/27/07	MAR.088	FINAL ( 4 mo. )	PEM
	HIR.161	FINAL ( 2 mo. )	PEM
	YOR.475	Response	FEC
	NEC.334	Response	FEC
	NEC.292	Response ( 1 mo. )	FEC
	MAT.026	Response ( 1 x )	FEC
	WAK.113	FINAL ( 3 mo. )	DJL
	NEC.298	Response	SMM
	ORI.100	Post Registration office action ( 3 mo. )	SMM
	TAK.051	IDS	SMM
	NNN.792	NOMP	SMM
	KAW.004	NOMP ( 1 x )	SMM
	MAS.023	FINAL ( 3 mo. )	SMT
	NGB.362	FINAL ( 2 mo. )	FS

Sunday, 10/28/07	CAS.001	FINAL ( 4 mo. )	SMT
	NGB.308	Notice of abandonment ( L. Day )	SMM
	NNN.793	NOMP	SMM
	NNN.791	NOMP	SMM
	UNI.021	RCE and Preliminary Amend.	PEM

Monday, 10/29/07	YOR.499	I. Fee ( L. Day )	FEC
	<del>KUM.005</del>	I. Fee ( L. Day )	DJL
	NGB.491	I. Fee ( L. Day )	SMM
	CAL.001	TM Response ( 4 mo. )	SMM

Exhibit 2  
(page 5 of 5)

Exhibit 3

REQUESTED FILING DATE: JUNE 26, 2003  
BAR DATE: APRIL 20, 2004

YOR. 466  
YOR 9 2003 0198 US1

INVENTOR OF TITLE  
DIVISION OF  
CONTINUATION IN PART OF

Laxmi P. Parida

10/627,871

FILED

July 28, 2003

Data Compression Using Irredundant  
Patterns

IBM Corporation

NOT RECORDED REEL 014367 FRAME 0889

OFFICE ACTIONS

AMENDMENTS

CANADIAN

INVENTOR

Exhibit 4